

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1867

H.P. 1307

House of Representatives, January 3, 2006

### **An Act To Amend the Elementary School Closing Process for School Administrative Districts and Community School Districts**

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Submitted by the Department of Education pursuant to Joint Rule 204.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative STEDMAN of Hartland.  
Cosponsored by Representative: FINCH of Fairfield.

**Be it enacted by the People of the State of Maine as follows:**

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**Sec. 1. 20-A MRSA §1407, sub-§1**, as amended by PL 1999, c. 206, §1, is further amended to read:

**1. Vote; cost of election.** ~~An~~ If the school board is presented with a successful petition pursuant to section 4102, subsection 4, paragraph A, an elementary school in a member municipality of a school administrative district may not be closed pursuant to section 4102, subsection 3 unless only if the voters in the member town vote on the following article in accordance with the procedure set forth in sections 1351 to 1354.

"Article : Shall the board of directors of School Administrative District No. be authorized to close ?  
(name of school)

Yes No "

~~(The election must be conducted only within that member municipality, and the costs of the election are borne by the district.)~~

The election must be conducted only within that member municipality, and the costs of the election are borne by the district.

**Sec. 2. 20-A MRSA §4102, sub-§4**, as amended by PL 1987, c. 737, Pt. C, §§53 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**4. Voter approval.** ~~Before a~~ A school board may close a school building pursuant to subsection 3, voter approval shall be obtained as follows subject to the following.

A. Elementary schools in school administrative districts and community school districts may be closed without voter approval unless the school board is presented within 30 days of the school board's decision to close the school with a written petition signed by at least 10% of the number of voters in the municipality in which the school is located who voted at the last gubernatorial election. If a successful petition is presented to the school board, then the school may only be closed if approved by the voters in accordance with section 1407 and section 1751, subsection 5.

B. Secondary schools in school administrative districts and community school districts and either elementary or secondary schools in other school administrative units may

2 be closed without voter approval, unless the school board is  
presented with a written petition, within 30 days of the  
4 board's decision to close the school, by 10% of the number  
of voters in the school administrative unit who voted at the  
6 last gubernatorial election, then a special referendum shall  
be called pursuant to:

8 (1) Section 1351 for school administrative districts;

10 (2) Title 30-A, sections 2528 to 2532, for community  
school districts, except the school board shall issue a  
12 warrant specifying that the municipalities within the  
district place the petitioned article on the ballot,  
14 and shall prepare and furnish the required number of  
ballots for carrying out the election; and

16 (3) Title 21-A and Title 30-A, respectively, for  
18 cities and towns.

20 C. The article to be used shall be substantially in the  
following form:

22 "Article: Shall the school committee of

24 (name of town)

26 (the board of directors of School Administrative District  
No. ) be authorized to close

28 ?

(name of school)

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Yes No

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34 The additional cost of keeping the school open has been  
estimated by the school committee (board of directors) to be  
36 \$ ."

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### 38 SUMMARY

40 This bill eliminates the requirement for a referendum vote  
in a member municipality of a school administrative district or  
42 community school district where the school board has voted to  
close an elementary school. A referendum vote could still be  
44 triggered by a petition signed by 10% of the number of voters in  
the affected municipality who voted in the last gubernatorial  
46 election.

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